

DISTRICT COURT CIVIL COVER SHEET

WASHOE

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

FILED
Electronically
CV20-01840
2020-11-17 10:21:23 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 8165097 csulezic

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

ROBERT C. WILSON

Defendant(s) (name/address/phone):

ARTURO C. HERNANDEZ; 99 CENTS
ONLY STORES, LLC; DOES 1 through 5;
and ROE CORPORATIONS 1 through 5,
inclusive

Attorney (name/address/phone):

Ben J. Bingham, Esq. (NV Bar No. 7280)

Benson & Bingham, 11441 Allerton Park Drive #100

Las Vegas, NV 89135

702) 382-9797

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer (UD) <input type="checkbox"/> Other Landlord/Tenant (LT) Title to Property <input type="checkbox"/> Judicial Foreclosure (FC) <input type="checkbox"/> Other Title to Property (OT) Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain (CD) <input type="checkbox"/> Other Real Property (RO)	<input checked="" type="checkbox"/> Auto (VP) <input type="checkbox"/> Premises Liability (SF) <input type="checkbox"/> Other Negligence (NO) Malpractice <input type="checkbox"/> Medical/Dental (MD) <input type="checkbox"/> Legal (LG) <input type="checkbox"/> Accounting (AG) <input type="checkbox"/> Other Malpractice (MG)	Other Torts <input type="checkbox"/> Product Liability (PL) <input type="checkbox"/> Intentional Misconduct (IM) <input type="checkbox"/> Employment Tort (WT) <input type="checkbox"/> Insurance Tort (IN) <input type="checkbox"/> Other Tort (TO)
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration (SU) <input type="checkbox"/> General Administration (FA) <input type="checkbox"/> Special Administration (SL) <input type="checkbox"/> Set Aside (SE) <input type="checkbox"/> Trust/Conservatorship (TN) <input type="checkbox"/> Other Probate (OP) Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 (CQ) <input type="checkbox"/> Other Construction Defect (CF) Contract Case <input type="checkbox"/> Uniform Commercial Code (UN) <input type="checkbox"/> Building and Construction (BC) <input type="checkbox"/> Insurance Carrier (BF) <input type="checkbox"/> Commercial Instrument (CI) <input type="checkbox"/> Collection of Accounts (CT) <input type="checkbox"/> Employment Contract (EC) <input type="checkbox"/> Other Contract (CO)	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case (FO) <input type="checkbox"/> Petition to Seal Records (PS) <input type="checkbox"/> Mental Competency (MT) Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle (DM) <input type="checkbox"/> Worker's Compensation (SI) <input type="checkbox"/> Other Nevada State Agency (ON) Appeal Other <input type="checkbox"/> Appeal from Lower Court (CA) <input type="checkbox"/> Other Judicial Review/Appeal (AO)
Civil Writ	Other Civil Filing	
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus (HB) <input type="checkbox"/> Writ of Mandamus (WM) <input type="checkbox"/> Writ of Quo Warrant (WQ)	<input type="checkbox"/> Writ of Prohibition (WP) <input type="checkbox"/> Other Civil Writ (WO) Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim (CM) <input type="checkbox"/> Foreign Judgment (FJ) <input type="checkbox"/> Other Civil Matters (GC)	

Business Court filings should be filed using the Business Court civil coversheet.

11/17/2020

Date

/s/ Ben J. Bingham

Signature of initiating party or representative

COMP

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Attorneys for Plaintiff

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

ROBERT C. WILSON,
Plaintiff,

vs.

ARTURO C. HERNANDEZ; 99 CENTS
ONLY STORES, LLC; DOES 1 through 5;
and ROE CORPORATIONS 1 through 5,
inclusive,

Defendants.

) CASE NO.:
) DEPT. NO.:

COMPLAINT

COMES NOW, Plaintiff, ROBERT C. WILSON, by and through his attorneys of record,
BENSON & BINGHAM, and for his claims for relief against Defendants, and each of them, alleges as
follows:

GENERAL ALLEGATIONS

1. At all times relevant to this action, Plaintiff, ROBERT C. WILSON (hereinafter
"Plaintiff", was and is a resident of the City of Reno, County of Washoe, State of Nevada.

2. Upon information and belief, at all times relevant to this action, Defendant,
ARTURO C. HERNANDEZ (hereinafter "Defendant Hernandez"), was the operator of a 2012



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1 Chevrolet 2500HD pick-up truck, bearing California license plate 44038H1 (hereinafter referred to
2 as "Defendant's vehicle").

3 3. Upon information and belief, at all times relevant to this action, Defendant, 99
4 CENTS ONLY STORES, LLC (hereinafter "Defendant 99 Cents Only"), was and is a domestic
5 limited liability company licensed to do business in the State of Nevada, and was and is the owner
6 of Defendant's vehicle.
7

8 4. That the true names or capacities, whether individual, corporate, associate or
9 otherwise of Defendants DOES 1 through 5 and ROE CORPORATIONS 1 through 5 are unknown
10 to Plaintiff who therefore sues said Defendants by such fictitious names. Plaintiff is informed and
11 believes and thereon alleges that each of the Defendants designated herein as DOE and ROE
12 CORPORATIONS are responsible in some manner for the events and happenings herein referred to
13 and caused damage proximately to Plaintiff as herein alleged; and Plaintiff will ask leave of this
14 Court to amend this Complaint to insert the true names and capacities of DOES 1 through 5 and
15 ROE CORPORATIONS 1 through 5, when the same have been ascertained and to join such
16 Defendants in this action.
17

18 5. Plaintiff was the owner and operator of a 2000 Ford Excursion, bearing Nevada
19 license plate 301F17 (hereinafter referred to as "Plaintiff's vehicle").
20

21 6. At all times mentioned herein, I-80 runs in a generally east/west direction, at or near
22 the intersection with the Wells off ramp, and is a generally traveled public street or highway within
23 the County of Washoe, State of Nevada.

24 **FIRST CAUSE OF ACTION**

25 **(Negligence)**

26 7. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1
27 through 6 and incorporates the same herein by reference as though fully set forth herein.
28

1 8. That on or about November 19, 2018, Plaintiff was stopped eastbound on the I-80
2 for traffic in front of him. At the same time and place, Defendant Hernandez was travelling
3 eastbound on the I-80 when he failed to decrease speed or stop for traffic in front of him. Defendant
4 Hernandez collided into non-party vehicle #2. Non-party vehicle #2 was pushed forward into non-
5 party vehicle #3 and non-party vehicle #3 was pushed forward into Plaintiff's vehicle. This chain
6 reaction type collision caused the injuries and damages complained of.

7
8 9. At the time of the collision herein complained of and immediately prior thereto,
9 Defendant Hernandez was negligent and careless in the following particulars:

10 a. In failing to maintain a proper lookout for other vehicles on the roadway and
11 more particularly the Plaintiff's vehicle;

12 b. In operating the Defendant's vehicle without due caution and with disregard
13 for the rights of Plaintiff herein;

14 c. In failing to keep Defendant's vehicle under proper control;

15 d. In operating Defendant's vehicle without paying full time and attention to
16 said operation;

17 e. In failing to sufficiently control Defendant's vehicle to avoid a collision; and,

18 f. In failing to exercise due care.
19

20 **(Respondeat Superior/Vicarious Liability)**

21
22 10. Based upon information and belief, Defendant Hernandez was in the course and
23 scope of employment with his employer, Defendant 99 Cents Only, at the time of the subject
24 accident on November 19, 2018.

25 11. Based upon said relationship, Defendant 99 Cents Only is vicariously liable for the
26 acts of its employees, namely, Defendant Hernandez.
27
28



(Joint and Several Liability)

12. It is believed that all Defendants are jointly and severally liable to Plaintiff for their concerted acts causing the subject accident.

(General Damages)

13. That as a direct and proximate result thereof, Plaintiff sustained great pain of body and mind, including injuries to his neck, back, shoulder, head, limbs, mental stress, and anxiety, all or some of which conditions may be permanent and disabling in nature, all to his damage in an amount in excess of the District Court's jurisdictional threshold of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

(Medical Special Damages)

14. That as a direct and proximate result thereof, Plaintiff has incurred expenses for medical care and treatment and expenses incidental thereto, all to his damage, the present amount of which is unknown; such expenses will continue in the future, all to his damage in a presently unascertainable amount. In this regard, Plaintiff prays leave of this Court to insert all said damages herein when the same have been fully ascertained.

15. That Plaintiff has been required to engage the services of an attorney, and is therefore entitled to reasonable attorney's fees and costs to bring this action.

WHEREFORE, Plaintiff expressly reserving his right to amend this Complaint at the time of trial of this action to include all items of damages not yet ascertained, demands judgment against the Defendants, and each of them, as follows:

1. General and special damages in an amount in excess of the District Court's jurisdictional threshold of FIFTEEN THOUSAND DOLLARS (\$15,000.00);

2. Prejudgment interest;

3. Reasonable attorney's fees;



1 4. Costs of suit herein; and,

2 5. For such other and further relief as the Court may deem proper.

3 **AFFIRMATION**

4 Pursuant to NRS 239B.030 and 603A.040

5 The undersigned does hereby affirm that the preceding document does not contain the
6 personal information of any person.

7 DATED this 17th day of November, 2020.

8 BENSON & BINGHAM

9 /s/ Ben J. Bingham

10 BEN J. BINGHAM, ESQ.
11 Nevada Bar No. 7280
12 Attorney for Plaintiff

BENSON & BINGHAM
ATTORNEYS AT LAW

